

SCOTTSDALE

CITY COUNCIL MEETING

*****AMENDED***MEETING NOTICE AND AGENDA**

[ADDED MAYOR AND COUNCIL ITEM No. 20]



COUNCIL

Mary Manross, Mayor

Betty Drake

Wayne Ecton

W.J. "Jim" Lane

Robert W. Littlefield

Ron McCullagh

Tony Nelssen

Tuesday, March 4, 2008

5:00 P.M.

CITY COUNCIL MEETING

MARKED AGENDA

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – 5:07 PM

Roll Call – ALL PRESENT

Pledge of Allegiance – JUNIOR GIRL SCOUT TROOP 2318

Invocation – PASTOR RAY BARTON, SCOTTSDALE BIBLE CHURCH

Appointment – MOTION TO APPROVE, REFERENCING MEMORANDUM OF FEBRUARY 28, 2008 – OK – 7/0

Re-appointment of B. Monte Morgan, Presiding Judge

Approval of Minutes

- OK – 7/0

REGULAR MEETINGS

SPECIAL MEETINGS

WORK STUDY SESSIONS

EXECUTIVE SESSIONS

February 5, 2008

February 12, 2008

February 19, 2008

Public Comment – HENRY BECKER EXPRESSED CONCERN WITH JUDGE MONTE MORGAN'S PERFORMANCE; JOEL BRAMOWETH SPOKE IN FAVOR OF RE-INSTALLING METAL DETECTORS IN CITY HALL

Citizens may complete one Request to Speak "Public Comment" card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "Public Comment." This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items. **Speakers are limited to three minutes to address the Council during "Public Comment" time.**

CONSENT AGENDA

ITEMS 1-14

How the Consent Agenda Works: The Council may take one vote to act on all items on the Consent Agenda, or may remove items for further discussion. Every interested citizen will have one opportunity to speak on any or all Consent Agenda items. If you wish to speak on these items, please complete a Request to Speak card for each topic you wish to address. **You will be given at least three minutes to speak on all the Consent Agenda items you wish to address. Additional time for multiple agenda items will be at the Mayor's discretion.**



PERSONS WITH A DISABILITY MAY REQUEST A REASONABLE ACCOMMODATION BY CONTACTING THE CITY CLERK'S OFFICE AT (480-312-2412). REQUESTS SHOULD BE MADE 24 HOURS IN ADVANCE, OR AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE ACCOMMODATION. FOR TTY USERS, THE ARIZONA RELAY SERVICE (1-800-367-8939) MAY CONTACT THE CITY CLERK'S OFFICE (480-312-2412).

CONSENT AGENDA

Tuesday, March 4, 2008

Page 2 of 9

After all speakers have finished, the City Council will decide which items to remove for additional discussion and/or presentation from staff. Items not removed from the Consent Agenda will be considered in one motion. Items removed for clarification or discussion by the Council will be acted on as appropriate.

1. **Little Rangoon (Beer and Wine Bar) Liquor License – APPROVED ON CONSENT**
Request: Consider forwarding a recommendation on Application No. 4-LL-2008 to the Arizona Department of Liquor Licenses and Control for a series 7 (beer and wine bar) liquor license for a new owner at a previously licensed location.
Location: 7000 E. Shea Boulevard, Suite 1580
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Chief Planning and Administration Officer, 480-312-2664, cpadian@scottsdaleaz.gov
2. **Hilton Garden Inn (Hotel/Motel) Liquor License – APPROVED ON CONSENT**
Request: Consider forwarding a recommendation on Application No. 5-LL-2008 to the Arizona Department of Liquor Licenses and Control for a series 11 (hotel/motel) liquor license for an existing licensed location with new corporate ownership.
Location: 7324 E. Indian School Road
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Chief Planning and Administration Officer, 480-312-2664, cpadian@scottsdaleaz.gov
3. **Mercado y Carniceria Cuernavaca (Beer and Wine Store) Liquor License – APPROVED ON CONSENT**
Request: Consider forwarding a recommendation on Application No. 6-LL-2008 to the Arizona Department of Liquor Licenses and Control for a series 10 (beer and wine store) liquor license for an existing licensed location under new ownership.
Location: 2931 N. 68th Street
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Chief Planning and Administration Officer, 480-312-2664, cpadian@scottsdaleaz.gov
4. **Sushi Roku (Restaurant) Liquor License – APPROVED ON CONSENT**
Request: Consider forwarding a recommendation on Application No. 7-LL-2008 to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for a new location in the W Scottsdale Hotel.
Location: 7277 E. Camelback Road
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Chief Planning and Administration Officer, 480-312-2664, cpadian@scottsdaleaz.gov

CONSENT AGENDA

Tuesday, March 4, 2008

Page 3 of 9

5. **Kona Grill Permanent Extension of Premises** – APPROVED ON CONSENT

Request: Consider forwarding a recommendation on Application No. 14-EX-2007 to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises for Kona Grill.

Location: 7014 E. Camelback Road, Suite 559

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Chief Planning and Administration Officer, 480-312-2664, cpadian@scottsdaleaz.gov

6. **73rd Street Abandonment (10-AB-2007)** – APPROVED ON CONSENT

Requests:

1. Abandon the eight-foot-wide by 146.28-foot-long public right-of-way for the alley between North 74th Street and East Coolidge Street.
2. Reserve a public utility easement over the entire abandonment right-of-way.
3. Adopt **Resolution No. 7456** vacating and abandoning the public rights-of-way.

Location: 4701 N. 73rd Street

Related Policies, References: Daryl Estates Unit Two subdivision plat recorded July 21, 1954 (8-AB-1989, 4-AB-1978)

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Lusía Galav, Current Planning Director, 480-312-2506, lgalav@scottsdaleaz.gov

7. **Civic Center Neighborhood Center License Agreements for Brokerage Agencies** – APPROVED ON CONSENT, WITH AMENDMENTS

Request: Adopt **Resolution No. 7464** which authorizes License Agreement No. 2008-007-COS with the Foundation for Senior Living (FSL) and License Agreement No. 2008-008-COS with Scottsdale Training and Rehabilitation Services (STARS) for use of space at the Civic Center Neighborhood Center.

Location: 7375 E. 2nd Street

Related Policies, References:

- Minutes from the November 6, 2007 Council meeting related to the former Civic Center Senior Center
- 24 CFR 570.201 – Eligible CDBG Activities
- Scottsdale Revised Code 2-279: Powers of the Human Services Commission to determine brokerage agencies for Human Service Centers
- Minutes from the February 6, 2008 Human Services Commission meeting related to recommendations for space

Staff Contact(s): Debra Baird, Community Services General Manager, 480-312-2480, dbaird@scottsdaleaz.gov

8. **Reimbursement of Expenditures for General Obligation Bond 2000 Projects** – APPROVED ON CONSENT

Request: Adopt **Resolution No. 7503** declaring the City's intent to amend Resolution No. 7079 to reimburse expenditures for General Obligation Bond 2000 projects.

Related Policies, References:

- Resolution No. 6887, dated May 15, 2006, Adopted Financial (Debt) Policies
- Resolution No. 7079, dated April 10, 2007

Staff Contact(s): Craig Clifford, Financial Services General Manager/CFO, 480-312-2364, cclifford@scottsdaleaz.gov

CONSENT AGENDA

Tuesday, March 4, 2008

Page 4 of 9

9. **Participation in Valley Metro Rail, Inc. (METRO) – MOTION TO APPROVE – OK – 4/3 (JL, RL, TN)**
Request: Adopt **Resolution No. 7513** authorizing the City to apply to join METRO, and authorizing the Mayor to execute Contract No. 2008-031-COS, Additional Party to Joint Powers Agreement.
Staff Contact(s): Mary O'Connor, Transportation General Manager, 480-312-2334, moconnor@scottsdaleaz.gov
10. **Settlement of Ruppert et al. v. City of Scottsdale – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 7510** authorizing settlement in the amount of \$1,400,000 to resolve a lawsuit entitled Nicholas Ruppert et al. v. City of Scottsdale, Cause No. CV2006-001780, currently pending in Maricopa County Superior Court.
Staff Contact(s): Deborah Robberson, City Attorney, 480-312-2405, drobberson@scottsdaleaz.gov
11. **Architectural Services Contract for Corporation Yard Fleet Maintenance Facility Expansion and Truck Wash – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 7484** authorizing Architectural Services Contract No. 2008-016-COS with Gabor Lorant Architect in the amount of \$299,241.50 for the design of the Corporation Yard Fleet Maintenance Facility expansion and the Corporation Yard truck wash.
Staff Contact(s): Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov
12. **Architectural Services Contract for Master Planning and Preliminary Design for Troon North Park – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 7483** authorizing Architectural Services Contract No. 2008-015-COS with Floor Associates in the amount of \$207,384 for updating the Master Plan for Troon North Park.
Related Policies, References: On December 7, 1999 Council approved the Municipal Use Master Site Plan 03-MP-99 for a fire station and drainage facilities for Troon North Park.
Staff Contact(s): Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov
13. **Construction Services Contract for Camelback Park Improvements, Phase II – APPROVED ON CONSENT**
Request: Adopt **Resolution No. 7505** authorizing Construction Manager at Risk (CM@Risk) Contract Modification No. 2008-005-COS-A1 with Low Mountain Construction, Inc., for construction services at a guaranteed maximum price of \$2,980,976 for improvements at Camelback Park.
Related Policies, References:
 - On January 16, 2007, Council approved the engineering services contract for the design of the Villa Monterey Open Space Park with Logan Simpson Design in the amount of \$225,000.
 - On October 2, 2007, Council approved a CM@Risk design phase services contract with Low Mountain Construction, Inc., in the amount of \$25,842.
 - On January 22, 2008, Council approved a CM@Risk construction services contract with Low Mountain Construction, Inc., in the amount of \$403,658 for site grading.
 - On February 19, 2008, Council approved the Municipal Use Permit for Camelback Park.**Staff Contact(s):** Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov

CONSENT AGENDA

Tuesday, March 4, 2008

Page 5 of 9

14. **Acquisition of Easements for Construction of Sound Barriers along Pima Road** – **MOTION TO APPROVE, AMENDING RESOLUTION NO. 7491 TO ELIMINATE SECTION 4, AND ASSOCIATED SUBSECTIONS, RELATING TO CANADA VISTA SUBDIVISION; AND DIRECTING STAFF TO WORK WITH HOMEOWNERS TOWARD AN ALTERNATIVE SOLUTION THAT WILL BE BROUGHT BACK FOR COUNCIL APPROVAL – OK – 7/0**

Request: Adopt **Resolution No. 7491** authorizing easement acquisition for construction of sound barriers along Pima Road, from the Deer Valley Road alignment to Pinnacle Peak Road, for mitigation of sound associated with Pima Road widening.

Related Policies, References:

- On November 15, 2005, Council awarded Construction Manager at Risk (CM@Risk) Contract No. 2005-167-COS to Achen Gardner Engineering LLC for pre-construction services for Pima Road from SR Loop 101 Freeway to Pinnacle Peak Road.
- On June 16, 2003, Council awarded Engineering Services Contract No. 2003-114-COS to Entellus, Inc., for design of improvements to Pima Road from SR Loop 101 Freeway to Thompson Peak Parkway. Staff subsequently added by change order design work from Thompson Peak Parkway to Pinnacle Peak Road to the scope of the contract.

Staff Contact(s): Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov

Regular Agenda begins on the following page

How the Regular Agenda Works: The Council takes a separate action on each item on the Regular Agenda. If you wish to address the Council regarding any or all of the items on the Regular Agenda, please complete a Comment Card for each topic you wish to address and submit it to the City Clerk. Speakers will be given at least three minutes to speak per item. Additional time may be granted to speakers representing two or more persons. Cards for designated speakers and the persons they represent must be submitted together. **Comment cards must be submitted before public testimony has begun on any regular agenda or public hearing item.**

15. **Frank Lloyd Wright and Shea Boulevards Non-Major General Plan Amendment and Rezoning (5-GP-2007, 14-ZN-2007 and 15-ZN-2007)** – MOTION TO APPROVE 5-GP-2007, 14-ZN-2007 AND 15-ZN-2007, FINDING IN CONFORMANCE WITH THE PRD DISTRICT REQUIREMENTS, WITH ADDED STIPULATIONS, INCLUDING SUBMITTAL OF LIGHTING PLAN TO THE DEVELOPMENT REVIEW BOARD AND A 10 PM CURFEW.

MOTION TO AMEND MOTION TO APPROVE 5-GP-2007, 14-ZN-2007 AND 15-ZN-2007, FINDING IN CONFORMANCE WITH THE PRD DISTRICT REQUIREMENTS, WITH ADDED STIPULATIONS, INCLUDING SUBMITTAL OF LIGHTING PLAN TO THE DEVELOPMENT REVIEW BOARD AND A STIPULATION THAT CANOPY LIGHTS IN THE PARK WILL BE TURNED OFF BY 10 PM.

MOTION TO AMEND MOTION TO APPROVE 5-GP-2007, 14-ZN-2007 AND 15-ZN-2007, FINDING IN CONFORMANCE WITH THE PRD DISTRICT REQUIREMENTS, WITH ADDED STIPULATIONS, INCLUDING SUBMITTAL OF LIGHTING PLAN TO THE DEVELOPMENT REVIEW BOARD, A STIPULATION THAT CANOPY LIGHTS IN THE PARK WILL BE TURNED OFF BY 10 PM., AND THE MAXIMUM BUILDING HEIGHT SHALL NOT EXCEED 21 FEET – OK – 7/0

Requests:

1. Approve a non-major General Plan amendment from Rural Neighborhoods to Office on the northern ±1.9-acre portion of the subject parcel and from Rural Neighborhoods to Suburban Neighborhoods on the southern ±1.9-acre portion of the subject parcel located at the southwest corner of East Shea Boulevard and North 114th Street (Case No. 5-GP-2007).
2. Rezone from Single-Family Residential District (R1-43) to Commercial Office District (C-O) on the northern ±1.9-acre portion of the subject parcel located at the southwest corner of East Shea Boulevard and North 114th Street (Case No. 14-ZN-2007).
3. Rezone from Single-Family Residential District (R1-43) to Single-Family Residential Planned Residential Development District (R1-18 PRD) on the southern ±1.9-acre portion of the subject parcel located at the southwest corner of East Shea Boulevard and North 114th Street (Case No. 15-ZN-2007).
4. Adopt **Resolution No. 7495** approving the General Plan Amendment.
5. Adopt **Ordinance No. 3772** affirming the rezoning in Case No. 14-ZN-2007.
6. Adopt **Ordinance No. 3773** affirming the rezoning in Case No. 15-ZN-2007.

Location: Frank Lloyd Wright and Shea Boulevards

Related Policies, References:

- 90-ZN-1987: A rezoning request for 1.2 acres from R1-43 to Planned Convenience Commercial District (PCOC) was denied by the Planning Commission and subsequently withdrawn prior to the Council hearing.
- 65-UP-1987: A Conditional Use Permit request for a gasoline service station to be established on the 1.2-acre property was denied by the Planning Commission and subsequently withdrawn prior to the Council hearing.
- 31-ZN-1975: A rezoning from Maricopa County Rural 43 to City's R1-43 was initiated by the City upon annexation.

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Lusía Galav, Current Planning Director, 480-312-2506, lgalav@scottsdaleaz.gov

REGULAR AGENDA

Tuesday, March 4, 2008
Page 7 of 9

16. **2008 Integrated Water and Wastewater Master Plans – MOTION TO APPROVE – OK – 7/0**

Request: Adopt **Resolution No. 7512** authorizing the Mayor to approve the adoption of the 2008 Integrated Water and Wastewater Master plans.

Related Policies, References:

- 2001 Integrated Water and Wastewater Master plans, approved on October 15, 2001.
- Contract No. 2005-128-COS-A1 approved by the City Council on August 28, 2006 with Carollo Engineers for Engineering Services, including master planning and asset management.

Staff Contact(s): Marshall Brown, Water Resources General Manager, 480-312-5683, mbrown@scottsdaleaz.gov; Roger Klingler, Assistant City Manager, 480-312-5830, rklingler@scottsdaleaz.gov

[CLICK HERE TO VIEW WATER MASTER PLAN - \(pdf/14.2mb/209pp\)](#)

[CLICK HERE TO VIEW WASTEWATER MASTER PLAN - \(pdf/14.6mb/200pp\)](#)

Mayor and Council Items begin on the following page

Mayor and Council Items

17. Citizen Petition Requesting Installation of Four-Way Stop Signs at the Pima and Jomax Road Intersections – NO ACTION TAKEN

Request: Consideration of, and possible action on, a citizen petition, as provided for by City Charter, regarding installation of a stop sign control at the intersection of Pima and Jomax roads. The petition was provided to the Council at the February 5, 2008 City Council Meeting by Mr. Leon Spiro. The petition requests “the City Council to install stop signs on all corners at the hazardous (4-way stop) Pima Road and Jomax Road intersection.”

Related Policies, References: City Charter, Article 2, Section 16 states: “Consideration of petitions. Any citizen of the city may appear before the council at any regular meeting and present a written petition; such petition shall be acted upon by the council, in the regular course of business, within thirty (30) days.”

Staff Contact(s): Mary O’Connor, Transportation General Manager, 480-312-2334, moconnor@scottsdaleaz.gov

18. Citizen Petition Requesting Research Findings for Neighborhood Circulation Plans – NO ACTION TAKEN

Request: Consideration of, and possible action on, a citizen petition, as provided for by City Charter regarding a request for the City Attorney research findings concerning local neighborhood street circulation plans. The petition was provided to the Council at the February 5, 2008 City Council Meeting by Mr. Leon Spiro. The petition requests the City Attorney’s “‘research findings’ in answer to Councilman Tony Nelssen’s question: ‘if the current neighborhood circulation plans are in violation of a City code or ordinance’.”

Related Policies, References: City Charter, Article 2, Section 16 states: “Consideration of petitions. Any citizen of the city may appear before the council at any regular meeting and present a written petition; such petition shall be acted upon by the council, in the regular course of business, within thirty (30) days.”

Staff Contact(s): Deborah Robberson, City Attorney, 480-312-2405, drobberson@scottsdaleaz.gov

19. Legislative Update – BRIDGET SCHWARTZ-MANOCK PRESENTATION

Request: Provide an update to the City Council and receive possible direction regarding current and pending State legislative issues and policies.

Staff Contact(s): Bridget Schwartz-Manock, Intergovernmental Relations Director, bschwartzmanock@scottsdaleaz.gov, 480-312-2423

*****20. Request for Executive Session – MOTION TO RECESS INTO EXECUTIVE SESSION – OK – 4/3 (MM, BD, RM)**

Request: A request from Councilman Lane to discuss and consider and take possible action to adjourn into Executive Session to discuss or consider employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of the City Manager; and discuss or consult with the City’s attorney(s) for legal advice regarding same. A.R.S. 38-431.03 (A) (1) and (A)(3).

Public Comment – NONE

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City Manager’s Report – NONE

Mayor and Council Items – NONE

Adjournment – 10:28 PM